IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9619 OF 2003

Sadashiv Shankar Patil .. Petitioner
Vs.
Shankar Pandurang Patil & Ors. .. Respondents.

Mr.S.S.Pandit for the petitioner.
Mr.Pratap Patil for the respondents.

CORAM : D.B.BHOSALE, J.

DATED : 17TH FEBRUARY, 2005

P.C.:

. Heard Mr.Pandit, learned counsel for the petitioner and Mr.Patil, learned counsel for the respondents.

2. This petition is directed against the order dated 26.11.2002 passed by the Additional Commissioner, Pune Division, Pune by which the revision application filed by the petitioner has been dismissed summarily. The revision application was filed against the order dated 27.9.2002 passed by the Additional Collector, Kolhapur. These proceedings before the revenue authorities arise out of execution proceedings initiated by the parties in pursuance of the judgment and decree dated 19.2.1985

passed in Regular Civil Suit No.509 of 1983 filed by the petitioner. I perused the orders passed by the revenue authorities which are impugned in the present writ petition. It is clear from the orders that the petitioner had filed Regular Dharkhast for execution of the part of the decree in which 1/4th share in the suit property was allotted to him. Accordingly, the decree came to be executed and revenue entries were also effected in pursuance thereof. The respondent thereafter seems to have had filed execution proceedings for effecting partition in respect of their share determined by the same decree. In those proceedings, the petitioner once again raised objection which the revenue authorities refused to entertain on the ground that the decree had already been satisfied in so far as his 1/4th share in the suit property is concerned. The submission of Mr.Pandit, learned counsel for the petitioner, that th partition effected was not equitable is devoid of any merits and cannot be sustained in law. I find absolutely no merit in the writ petition. The writ petition is, accordingly, dismissed in limine.

(D.B.Bhosale, J.)